

**Jail Overcrowding – A Serious Problem
Requiring Comprehensive Solutions**

Michigan Association of Counties
Annual Conference
August 19, 2003

WAYNE COUNTY

**Chief Judge Timothy M. Kenny
and
Chief Judge Pro Tem Pamela Harwood
3rd Circuit Court**

**3rd Circuit Court: An Approach
to the Jail Overcrowding Problems**

**Commissioner Bernard Parker
600 Randolph, Suite 450
Detroit, Michigan 48226
(313)224-0882**

**Chief Judge Timothy M. Kenny
1441 St. Antoine, #302
Detroit, Michigan 48226
(313) 224-5170**

August 19, 2003

Wayne County's recent successful efforts to deal with jail overcrowding required a commitment from county, court, and criminal justice officials. Wayne County's experience revealed that the following were essential ingredients to a successful program:

1. Establish a jail overcrowding review committee that includes all stakeholders.
2. Develop ambitious yet reachable goals for reduction of jail overcrowding. Goals should have realistic achievement timetables.
3. Utilize small committees to work on specific problems (e.g. timely processing of parole and probation violators.)
4. Provide accurate jail status statistical information to the jail overcrowding review committee on a regular basis (e.g. monthly) . See appendix A & B.
5. Conduct meetings on a regular basis to assess progress.

The Wayne County Jail overcrowding reduction efforts were achieved through the sustained commitment of the following participants:

- 1) 3rd Circuit Court
- 2) 36th District Court
- 3) Wayne County Sheriff's Department
- 4) Wayne County Prosecutor's Office
- 5) Defender's Office and Defense Bar
- 6) Third Circuit Court Pre-Trial Services
- 7) Michigan Department of Corrections
- 8) Department of Community Justice
- 9) Wayne County Board of Commissioners
- 10) Wayne County Department of Mental Health

The involvement of the above-mentioned participants has resulted in the following change in pre-trial releases:

2002: Monthly Releases

March	-	296
April	-	331
May	-	262
June	-	114
July	-	122
Aug	-	99
Sept	-	104
Oct	-	40
Nov	-	0
Dec	-	0

2003: Monthly Releases

Jan	-	0
Feb	-	0
Mar	-	0
Apr	-	0
May	-	0
June	-	0
July	-	0

PRE-EXAM PROGRAM

The 3rd Circuit Court and the 36th District Court entered into a collaborative effort that eliminated the need for over 4,700 preliminary examinations in 2002. This effort streamlined the processing of thousands of "low-end" felony cases resulting in a swifter disposition of cases and placement of defendants in treatment programs and/or probation. The cases processed in the pre-exam program are cases with sentencing guidelines of 0-12 months, and normally cases involving police, complainants and witnesses. The cases involve many defendants who have substance abuse problems and who are considered to be prison "lock-outs" based upon their sentencing guidelines.

In short, the pre-exam program works as follows:

- 1) At the arraignment on the warrant in the 36th District Court, cases identified by the Prosecutor's Office for the pre-exam program are given a pre-exam conference date for seven (7) days after the arraignment.
- 2) Counsel for indigent defendants are appointed within 1-2 days of the arraignment on the warrant.
- 3) Defense Discovery packets are immediately available from the Prosecutor's Office.
- 4) The Prosecutor will have a plea offer at the time of the pre-exam conference.
- 5) Two (2) judges are specially designated to hear pre-exam cases. The judges will accept a waiver of preliminary examination, conduct an arraignment on the information, and take a plea at the same court appearance. This saves the police the expense of producing officers at a later preliminary exam, and saves the court the expense of paying counsel for multiple court appearances.
- 6) Bond reviews for jailed pre-exam defendants are conducted. Those defendants who plead, frequently get placed in substance abuse programs, get placed on a tether, or receive a lower bond (if probation appears to be the likely sentence).

PRE-TRIAL SERVICES

The 3rd Circuit Court's Pre-Trial Services section provides a valuable service to the 36th District Court and the 3rd Circuit Court. The section provides:

- 1) Background checks and sentencing guideline calculations for the 36th District Court magistrate.
- 2) Bond recommendations including tether, substance abuse programs, etc.
- 3) Bond reviews and recommendations to 3rd Circuit Court Judges.

SENTENCING

In an effort to reduce the length of jail stay, the 3rd Circuit Court has worked out the following sentencing schedule changes with the Department of Corrections:

- 1) Pre-Sentence reports on jailed defendants are available Ten (10) business days after conviction.
- 2) "PSI Case Reports" are prepared for jailed defendants who violated their probations less than two (2) years after sentencing. These updated pre-sentence reports are available five (5) days after the probation violation convictions are entered.
- 3) Every week, all Criminal Division Judges are provided with a list of their jailed defendants who have been incarcerated for more than fourteen (14) days awaiting sentence. The list is monitored by the Chief Judge and corrective efforts are made to advance sentencing dates. (See Appendix C)

PROBATION VIOLATORS

In 2002, probation violators accounted for a sizeable portion of the Wayne County Jail population. In an effort to process violation warrants quickly and reduce the number of violators in the jail, the following efforts were made:

- 1) All defendants arrested on probation violation warrants before 2:00 p.m. are taken to court that day. Those arrested after 2:00 p.m. are taken to court the following business day.
- 2) Those defendants remanded to the County Jail after being held in violation of their probations, frequently receive updated pre-sentence reports ("PSI Case Reports") within five (5) business days.
- 3) The 3rd Circuit Court is experimenting with the expanded use of show-cause hearings for those whose violations are likely to result in continued but modified probation (e.g., failure to pay costs, failure to enroll in GED, positive marijuana test).
- 4) Those probation violators who are sentenced to MDOC are immediately shipped there by the Sheriff.

PAMELA R. HARWOOD
CHIEF JUDGE PRO TEMPORE



(313) 224-5436
FAX (313) 224-6070

1401 COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE
DETROIT, MICHIGAN 48226-3413

MEMORANDUM

TO: The Criminal Division Bench
FROM: Chief Judge Pro Tem Pamela R. Harwood *Pam*
DATE: July 10, 2002
RE: Caseflow Update

In case you missed some of the meetings, I want to reiterate what we are doing and why. Also, and maybe most importantly, I want you to know where we will end up and when we expect to attain our goal.

THE GOAL - To process cases in conformance with the 1991 time standards which when adopted, were based on Recorder's Court standards. Basically, they require us to resolve cases within 91 days of the bind-over. I have attached a copy of the guidelines.

WHY - So that we will, once again, be the best high-volume, urban court in the country. Changes are also underway in the other divisions so that we will be meeting all of the time standards applicable to our court.

HOW - By each judge scheduling trials within 91 days of the bind over. This will result in additional cases being set and will create scheduling conflicts for a finite period of time. This bulge in the number of cases scheduled for trial is often called the "Pig in the Python." We will resolve these cases by spinning them to an available judge after efforts have been made to plead the case. Also, the additional CAYMC judges will remain on the criminal docket until the pig is gone. **Please schedule all cases for trial within 91 days of the bind over.** Starting now, cases scheduled beyond this time period will be rescheduled. If you find a case that you believe can't be scheduled within this time period, please call or e-mail me so that we don't reschedule the case. I am in Linda Davis' office each morning Monday-Thursday to help resolve trial conflicts. You can reach me there or in the afternoon at CAYMC.

WHEN - If we all schedule correctly, we expect the bulge to be worked through the system by **October 15, 2002**. At that time, we will be in compliance with the time standards and will have fewer pending cases in the court. Any effect our

caseflow plan is having on jail releases will also necessarily be eliminated at that time.

THANK YOU - Every judge I have called to take a case since we started has helped out. We can't miss with this level of effort.

PRH/rb

cc: Chief Judge Mary Beth Kelly
Chief Judge Timothy Kenny

APPENDIX "A"**JUNE 2003
JAIL FACILITY CENSUS**

DATE	LEGAL CAP	AM COUNT	BOOKINGS	DISCHARGES	M	F	TOTAL	PM COUNT
06/01/2003	1885	1715	30	8	no	cond	rel's	1707
06/02/2003	1885	1739	99	124	no	cond	rel's	1615
06/03/2003	1885	1710	84	108	no	cond	rel's	1602
06/04/2003	1885	1677	89	101	no	cond	rel's	1575
06/05/2003	1885	1657	75	81	no	cond	rel's	1576
06/06/2003	1885	1658	82	82	no	cond	rel's	1576
06/07/2003	1885	1648	38	8	no	cond	rel's	1640
06/08/2003	1885	1659	24	6	no	cond	rel's	1653
06/09/2003	1885	1699	93	111	no	cond	rel's	1586
06/10/2003	1885	1675	92	72	no	cond	rel's	1603
06/11/2003	1885	1697	91	94	no	cond	rel's	1603
06/12/2003	1885	1688	97	106	no	cond	rel's	1582
06/13/2003	1885	1686	86	102	no	cond	rel's	1584
06/14/2003	1885	1667	45	21	no	cond	rel's	1644
06/15/2003	1885	1684	28	7	no	cond	rel's	1677
06/16/2003	1885	1712	97	111	no	cond	rel's	1601
06/17/2003	1885	1688	77	86	no	cond	rel's	1602
06/18/2003	1885	1683	85	96	no	cond	rel's	1587
06/19/2003	1885	1664	74	87	no	cond	rel's	1577
06/20/2003	1885	1647	65	85	no	cond	rel's	1562
06/21/2003	1885	1630	43	7	no	cond	rel's	1623
06/22/2003	1885	1665	42	1	no	cond	rel's	1664
06/23/2003	1885	1718	76	95	no	cond	rel's	1623
06/24/2003	1885	1694	83	87	no	cond	rel's	1607
06/25/2003	1885	1690	66	96	no	cond	rel's	1594
06/26/2003	1885	1646	92	101	no	cond	rel's	1545
06/27/2003	1885	1635	60	73	no	cond	rel's	1561
06/28/2003	1885	1627	33	7	no	cond	rel's	1620
06/29/2003	1885	1646	31	4	no	cond	rel's	1642
06/30/2003	1885	1671	89	89	no	cond	rel's	1582

TOTALS**2066****2056****0****0****0**

FEMALE MINIMAL CONDITION REL'S = 0
MALE MINIMAL CONDITION REL'S = 0

FEMALE CONDITIONAL REL'S = 0
MALE CONDITIONAL REL'S = 0



DARRYL D. FORDHAM
DIRECTOR OF JAIL OPERATIONS

APPENDIX "B"

MONTHLY COMPARISON RELEASE TYPE AS % OF TOTAL RELEASES

MARCH	1841	1718	149	8.0	1867	444	23.8	197	10.8	105	5.8	165	8.8	48	2.6	59.4
APRIL	1881	1737	175	9.2	1912	430	22.5	213	11.1	139	7.3	139	7.3	42	2.2	59.6
MAY	1825	1754	189	9.7	1943	450	23.2	199	10.2	134	6.9	165	8.5	26	1.3	59.8
JUNE	1641	1466	167	10.2	1633	436	26.7	185	11.3	107	6.6	160	9.8	24	1.5	66.1
JULY	1761	1589	215	11.9	1804	408	22.6	207	11.5	126	7.0	175	9.7	44	2.4	65.1
AUG	1904	1697	228	11.8	1925	400	20.8	236	12.3	134	7.0	153	8.0	54	2.8	62.7
SEP	1733	1594	183	10.3	1777	462	26.0	207	11.6	130	7.3	183	10.3	41	2.3	67.8
OCT	1801	1723	206	10.6	1929	459	23.8	205	10.6	174	9.0	216	11.0	29	1.5	67.5
NOV	1506	1378	202	12.8	1580	392	24.8	193	12.2	136	8.8	162	10.3	29	1.8	70.5
DEC	1558	1428	162	10.1	1590	379	23.8	221	13.9	175	11.0	178	11.1	40	2.6	72.4
JAN	1585	1444	224	13.4	1668	357	21.4	194	11.6	189	11.3	188	11.2	43	2.8	71.5
FEB	1417	1364	218	13.7	1582	324	20.4	178	11.3	143	9.0	159	10.0	33	2.0	66.4
MAR	1657	1440	161	10.0	1601	424	26.4	181	11.3	167	10.4	154	9.8	30	1.9	69.6
APR	1604	1531	142	8.5	1673	372	22.2	220	13.1	161	9.8	198	11.8	41	2.5	67.7
MAY	1782	1633	199	10.9	1832	361	19.7	244	13.3	288	15.7	139	7.5	37	2.0	69.1

Conditional Releases

Mar	296	15.90%
Apr	331	17.30%
May	262	13.50%
Jun	114	7.00%
Jul	122	6.80%
Aug	99	5.80%
Sep	104	5.80%
Oct	40	2.10%
Nov	0	0%
Dec	0	0%

2003

Jan	0	0%
Feb	0	0%
Mar	0	0%
Apr	0	0%
May	0	0%

* Booking and discharge amounts reduced by parole violators, US Marshal, INS, Friend of the Court.

APPENDIX "C"

DATE: 8/04/2003
PROGRAM: RSENAT2

SCHEDULED SENTENCES FOR JUDGES - CRIMINAL DIVISION
FOR JUDGE: HATHAWAY, CYNTHIA, GRAY

PAGE: 1

DAYS	NEXT DATE	CASE NO.	SPX	CHARGE	CHARGE DESC	DEFENDANT NAME	JAIL	LAST DATE	CODE	JUDGE
17	2003/06/14	*01002174	01	750529	R/A		WCJ	2003/07/28	SE	HATHAWAY, C
20	2003/07/31	*02014890	01	75083	ASLT WI MRD		WCJ	2003/07/11	DK	HATHAWAY, C
21	2003/08/12	*03005264	01	750316-A	MURDER 1ST		WCJ	2003/07/22	TJ	HATHAWAY, C
22	2003/08/12	03005456	01	33374032A5	POS/CNBE-25		WCJ	2003/07/21	TJ	HATHAWAY, C

NOTE: * DENOTES CAPITAL CASE

Exhibit C -- Pre-Trial Felons Released due to Jail Overcrowding

